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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

ORIGINAL

- - -

RELIGIOUS TECHNOLOGY CENTER, A)
California Non-Profit Religious)
Corporation; CHURCH OF)
SCIENTOLOGY INTERNATIONAL, A)
Non-Profit Religious Corporation;)
and CHURCH OF SCIENTOLOGY OF)
CALIFORNIA, A Non-Profit)
Religious corporation,)
Plaintiffs,)
vs.)
JOSEPH A. YANNY, an individual;)
JOSEPH A. YANNY, a professional)
law corporation, and DOES 1-25,)
inclusive,)
Defendants.)
_____)

No: BC 033035

DEPOSITION OF
LORIEN PHIPPENY
SANTA MONICA, CALIFORNIA
APRIL 8, 1992

ATKINSON-BAKER AND ASSOCIATES, INC.
CERTIFIED SHORTHAND REPORTERS
1612 West Olive Avenue, Suite 203
Burbank, California 91506
(818) 566-8840

REPORTED BY: JAN SERRA, CSR NO. 8207

FILE NO.: 9202678

Corrections to Deposition of Lorien Phippeny

8 April 1992

S.M., Calif.

Page	Line	Reads	Should read
5	3	Welen	Eileen
5	4	W.e.l.e.n	E.i.l.e.e.n
9	3	body worker	bodyworker (one word)
9	4	body work	bodywork (one again)
9	9	body worker	bodyworker (one)
9	19	works	work (singular)
9	20	certified ^{massage} therapist	Certified Massage (capital) Therapist
10 12	5	entire line should <u>alia</u> , Hatha tradition.	read: It is, <u>inter</u> Yoga of the Iyengar
10	6	Y-e-n-g-a-r	I-n-g I-y-e-n-g-a-r

Page	Line	Reads	Should Read
10	7	cundalini	Kundalini (capital "K") Yoga (capital "Y")
15	10	what what	what
17	9	needs a 2nd pair of quotation marks	
20	19	line should read: the first time, yes. the second time no; we took a bus.	
23	5-8	entire sentences should read: Mr. Yanny is very vocal. He has diarrhea of the mouth — (pause) — when it comes to talking about how he feels about what he's involved with in his life and his law practice.	
23	11	I don't mean to imply a criticism — perhaps "fountain of the mouth" is better — organization or should read (delete so) He talks a lot... organization — that is, the one you represent.	
27	10	to me some	to me as some
32	3	he	you

Page	Line	Reads	Should read
36	25	Mr.	Miss or Ms.
38	13	body work	bodywork (one)
39	22	a	
43	9	pay	paid
50	24	MR. GREENE:	WITNESS:
56	10	allie	ally
58	16	Jerry	Gerry
	17	Jerry	Gerry
58	18	Jerry	Gerry
59	8	Jerry	Gerry
59	10	Jerry	Gerry
59	19	...dropper.	... per ...

Page	Line	Reads:	Should Read:
------	------	--------	--------------

60	14	Terry	Gerry
----	----	-------	-------

61	6	Terry	Gerry
----	---	-------	-------

61	12	Please, addition should read: yes, he did. And for a reality-check, sort of.	
----	----	--	--

63	24	Terry	Gerry
----	----	-------	-------

63	25	Terry	Gerry
----	----	-------	-------

66	24	should read: ... , so that's not his own religion? (new paragraph)	
----	----	--	--

67	25	Witness continues: Actually, to be accurate, the first is the ^{only} belief. The second is "the corollary". The third is "the obvious".	
----	----	---	--

69	7	tenants	tenets
----	---	---------	--------

Page	Line	Reader Should read:
69	8	^{entire} Answer should read: No, there are not, that is, the Church simply consists of those three statements, which I know are written down in at least two places.
70	3	and could and that they could
70	12	delete "what he" please
73	11	delete "in it" if desired (for grammatical correctness only).

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

RELIGIOUS TECHNOLOGY CENTER, A)
California Non-Profit Religious)
Corporation; CHURCH OF)
SCIENTOLOGY INTERNATIONAL, A)
Non-Profit Religious Corporation;)
and CHURCH OF SCIENTOLOGY OF)
CALIFORNIA, A Non-Profit)
Religious corporation,)

Plaintiffs,)

vs.)

No: BC 033035

JOSEPH A. YANNY, an individual;)
JOSEPH A. YANNY, a professional)
law corporation, and DOES 1-25,)
inclusive,)

Defendants.)

Deposition of LORIEN PHIPPENY, taken on behalf
of the Plaintiff, at 3340 Ocean Park Boulevard, Suite
1050, Santa Monica, California 90405, commencing at
4:00 p.m., Wednesday, April 8, 1992, before Jan Serra,
CSR 8207.

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2

A P P E A R A N C E S

3

FOR THE PLAINTIFF CHURCH OF SCIENTOLOGY:

4

BESBRIS, HOLLIS & STOLLER

5

BY: MICHAEL T. STOLLER, ESQ.

10900 Wilshire Boulevard

Suite 1010

6

Los Angeles, California 90024

(310) 443-5200

7

8

FOR THE DEFENDANT:

9

LEWIS, D'AMATO, BRISBOIS & BISGAARD

10

BY: GRAHAM E. BERRY, ESQ. AND

DAVID PARKER, ESQ.

221 North Figueroa Street

11

Suite 1200

Los Angeles, California 90012

12

(213) 250-1800

13

FOR THE WITNESS:

14

HUB LAW OFFICES

15

BY: FORD GREENE, ESQ.

711 Sir Francis Drake Boulevard

16

San Anselmo, California 94960

(415) 258-0360

17

THE REFEREE: THE HONORABLE THOMAS T. JOHNSON

18

ALSO PRESENT:

19

HOWARD GUTFELD

20

///

21

22

23

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1

I N D E X

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WITNESS: FORD GREENE

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EXAMINATION

PAGE

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BY MR. STOLLER

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EXHIBITS:

7

NUMBER

DEFENDANT'S
DESCRIPTION

PAGE

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(None)

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NUMBER

PLAINTIFF'S
DESCRIPTION

PAGE

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(None)

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QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

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PAGE

LINE

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1 THE REFEREE: Would you state your name
2 please?

3 THE WITNESS: Lorien Welen Phippeny.
4 L-o-r-i-e-n, W-e-l-e-n, P-h-i-p-p-e-n-y.

5 MR. STOLLER: Good afternoon. I'm
6 Michael Stoller. I represent the Church of
7 Scientology.

8 THE WITNESS: I have another name. It's
9 my legal name in California. And that is Bambi
10 Sparks. Excuse me.

11 MR. STOLLER: Thank you for that.

12

13 EXAMINATION

14

15 BY MR. STOLLER:

16 Q I have some questions to ask you
17 regarding certain events that give rise to this
18 litigation.

19 Let me just ask you some preliminary
20 questions. Have you ever had your deposition taken
21 before?

22 A Yes. And I can't remember your name.

23 MR. STOLLER: Michael Stoller.

24 THE WITNESS: Pleased to meet you Mr.
25 Stoller.

1 MR. STOLLER: I apologize for being so
2 late in taking your deposition. I know you have been
3 waiting for a while.

4 Q BY MR. STOLLER: Have you ever had your
5 deposition taken?

6 A Yes, I have.

7 MR. STOLLER: I'd like to go over a
8 couple of ground rules.

9 The lady next to you on your left is a
10 court reporter, who is taking down everything that you
11 say. At the end of your deposition it will be
12 transcribed into a booklet form. You will have an
13 opportunity to review that and make any changes that
14 you feel appropriate.

15 What we're trying to do is get your best
16 response to the questions I pose. If in fact you
17 don't understand the question I ask, because it's
18 either unintelligible, vague or ambiguous or
19 whatever -- besides your counsel and other counsel
20 interposing their objections -- please feel free to
21 tell me that and I'll be happy to try to rephrase it.

22 THE WITNESS: Please repeat your first
23 name?

24 MR. STOLLER: Michael.

25 One other thing is that while anybody is

1 talking the court reporter can only pick up one voice
2 at one time. If I ask you a question, please wait for
3 me to finish my question and give your response.

4 Similarly, if the counsels are
5 interposing an objection we will wait for them to
6 finish their objections and then be able to respond
7 accordingly.

8 Do you understand that?

9 THE WITNESS: Yes, I do.

10 MR. STOLLER: I'm looking for the best,
11 honest and truthful answer that you can provide to
12 these questions. I'm not asking you to speculate or
13 guess.

14 There is a difference between guessing
15 and speculating. If I stand up in front of you you
16 can kind of estimate how tall I am. But if I ask you
17 how tall my wife is you wouldn't even know if I'm
18 married or what she looked like.

19 Do you understand the difference?

20 THE WITNESS: Quite.

21 Q BY MR. STOLLER: Are you under any drugs
22 or medication that would prevent you from being able
23 to give accurate testimony today?

24 A No, I'm not.

25 Q What is your date of birth?

1 A 8/27/55.

2 Q I'm just curious.

3 You said you have a legal name, Bambi
4 Sparks. Was that a name you registered in California?

5 A Yes, it is, two years ago. Two to three
6 years ago. Two plus. I can't remember how long ago
7 it was.

8 Q That's only valid in California, it's not
9 valid in any other states?

10 MR. GREENE: Objection, calls for a legal
11 conclusion.

12 THE REFEREE: If you know.

13 MR. STOLLER: If you know.

14 A I don't know. I assume it's valid all
15 over the world.

16 MR. STOLLER: The reason I asked her,
17 counsel, is because she said it's legal in California.
18 To the extent she knew it was legal in California and
19 maybe not somewhere else.

20 MR. GREENE: That's fine. Just
21 protecting my record.

22 Q BY MR. STOLLER: Are you presently
23 employed?

24 A No, I'm not.

25 Q When was the last time you were employed?

1 A I'm self-employed.

2 Q How are you self-employed?

3 A I am a body worker and yoga teacher.

4 Q Where do you teach body work and yoga?

5 A In the San Francisco Bay Area.

6 Q Is that where you presently reside?

7 A Yes, it is.

8 Q How long have you been self-employed as a
9 body worker and yoga instructor?

10 A Gosh, approximately 1975.

11 MR. STOLLER: By the way, one other thing
12 I should tell you.

13 If at any time you want to take a break
14 or feel that you want to talk to your counsel, please
15 feel free to do that as well.

16 THE WITNESS: Thank you.

17 Q BY MR. STOLLER: Did you engage in any
18 studies or disciplines to be able to provide the body
19 works or yoga?

20 A Yes. I'm a certified massage therapist
21 through the World School of Massage and the Healing
22 Arts.

23 I have eight years' university education
24 at the University of Santa Cruz, University of
25 California, Santa Cruz, in biology, physiology,

13 1 chemistry, anatomy.

2 Q Your --

3 A My yoga is --

4 Q Is it hatha yoga?

14

5 A It is hatha yoga of the Yengar tradition.

6 Y-e-n-g-a-r.

7 Q Have you ever studied any kundalini yoga?

8 (Phonetic)

9 A No, I have not.

10 MR. GREENE: I'm going to start to object
11 as completely irrelevant, as going beyond the scope of
12 just providing background information to a bunch of
13 detail as it is connected to the issues in this
14 lawsuit.

15 THE REFEREE: It's foundational. Let's
16 go forward.

17 Q BY MR. STOLLER: Do you know Gerald
18 Armstrong?

19 A Yes, I do.

20 Q How long have you known Gerald Armstrong?

21 A Two years and four months and eight days.

22 Q To the extent that you have such a
23 specific recollection of when you first met, what was
24 the occasion of your first meeting?

25 A We met, maybe it was Christmas Eve,

1 Christmas Eve or New Year's Eve a little over two
2 years ago. I can't remember which.

3 So it was either two years four months
4 and eight days or two years four months and fourteen
5 days.

6 Q I take it it was a memorable meeting?

7 A We met on a holiday.

8 It was a Christmas or New Year's Eve. I
9 can't remember which.

10 Q Are you a Scientologist?

11 A No, I'm not.

12 Q Have you ever read any books on
13 Scientology?

14 A I've never read any of the books all the
15 way through.

16 I've seen probably half a dozen of them
17 and leafed through them and read bits and pieces here
18 and there.

19 Q Do you recall which books you might have
20 read bits and pieces of?

21 A Dianetics. And I don't remember any of
22 the other titles.

23 Is there any water anywhere?

24

25 (Pause in proceedings.)

1 Q BY MR. STOLLER: Were you ever informed
2 that Gerald Armstrong was a Scientologist?

3 A Yes.

4 Q Were you informed of the fact that Gerald
5 Armstrong was a Scientologist?

6 A No, I was never informed that Gerald
7 Armstrong was a Scientologist. That term was never
8 used.

9 Q I asked you the first question whether or
10 not you were ever informed he was a Scientologist, and
11 you answered yes?

12 A No one ever said he was a Scientologist.

13 Q Did Mr. Armstrong ever tell you that he
14 used to be a Scientologist?

15 A No. He never said I used to be a
16 Scientologist. He never used that term.

17 MR. GREENE: I'm going to object again on
18 the basis of relevancy grounds.

19 I don't see how, whether Gerald Armstrong
20 told this witness he was or was not a Scientologist is
21 related to the issues of whether or not Joseph Yanny
22 breached any duties of loyalty or confidentiality owed
23 to the plaintiffs.

24 MR. STOLLER: I'm basically getting her
25 understanding of Mr. Armstrong, Mr. Armstrong's

1 background as a Scientologist.

2 Mr. Armstrong's experience as a
3 Scientologist answers whether or not any of that was
4 imparted to this witness.

5 MR. GREENE: It's not relevant to the
6 issues in the Yanny case.

7 MR. BERRY: It may be relevant to
8 Armstrong II, but --

9 THE REFEREE: We'll go a little farther.
10 We need some kind of a tie in at some stage.

11 MR. STOLLER: It's basically to get a
12 basis of what she knows and when she knew it to go
13 forward into the inquiry that we need to make
14 regarding Mr. Yanny.

15 THE REFEREE: Go ahead.

16 Q BY MR. STOLLER: Has Mr. Armstrong ever
17 expressed to you a desire to harm or destroy the
18 Church of Scientology?

19 MR. GREENE: Objection. Compound, vague,
20 ambiguous.

21 A (No response)

22 Q BY MR. STOLLER: Did you understand the
23 question?

24 MR. BERRY: And it's not relevant to the
25 question.

1 THE REFEREE: Do you understand the
2 question?

3 MR. GREENE: Yes.

4 THE REFEREE: You may answer.

5 MR. GREENE: Thank you.

6 A No.

7 Q BY MR. STOLLER: Has Mr. Armstrong ever
8 expressed to you an intention to get rid of the
9 current management of the Church?

10 MR. BERRY: Your Honor, this line of
11 questioning is clearly outside of the scope of this
12 lawsuit, and certainly is not going to lead to any
13 permissible evidence in this lawsuit.

14 It may be relevant to another case.

15 THE REFEREE: What's your offer Mr.
16 Stoller?

17 MR. STOLLER: Basically we have a
18 situation where I expressed to you earlier this
19 morning of the involvement between Mr. Yanny, Mr.
20 Armstrong and the Aznarans.

21 To the extent that we believe Mr.
22 Armstrong's involvement -- some type of a liaison
23 between Yanny's communications and his duties owed to
24 his former clients -- I believe it's important to find
25 out basically any motivation or any expressions that

14 1 he may have given to this witness that she is aware
 2 of.

 3 To the extent that is the basic motive
 4 behind all the the things that has been characterized
 5 as to what's going on.

 6 To the extent it's been expressed to her
 7 I'm entitled to inquire about that. But it is
15 8 relevant to hear, to the extent of what was the
 9 reasons for visitations that took place down in
 10 Hermosa Beach, and what what was discussed.

 11 THE REFEREE: The objection's overruled
 12 and you may answer.

 13 I think the last answer was no.

 14 Is there a pending question?

 15 MR. GREENE: Yes, it's the --

 16 Q BY MR. STOLLER: Had Mr. Armstrong ever
 17 expressed to you an intention to get rid of the
 18 current management of the Church?

 19 A No.

 20 Q Did Mr. Armstrong ever talk with you
 21 regarding the litigation that he has between himself
 22 and the Church?

 23 MR. GREENE: Objection.

 24 MR. BERRY: Objection. That is clearly
 25 in the area I just objected about before.

1 MR. GREENE: It's not relevant to this
2 lawsuit. It's an effort to back door discovery in a
3 lawsuit where currently there is not any court that is
4 empowered to take action with respect to it because
5 it's in transit from Marin to L.A.

6 MR. STOLLER: It's still foundational,
7 counsel.

8 To the extent your answer is no, your
9 objections are more relevant too.

10 THE REFEREE: Thank you folks. You may
11 answer that.

12 THE WITNESS: Could you repeat the
13 question?

14 Q BY MR. STOLLER: Did you ever have any
15 discussion with Mr. Armstrong regarding the litigation
16 that is going on between himself and the Church?

17 A Yes.

18 Q When do you recall having discussions
19 with Mr. Armstrong regarding that topic?

20 MR. BERRY: Same objection.

21 THE REFEREE: Noted.

22 A Well, I know that Gerry has been involved
23 with this litigation for years. And from time-to-time
24 I would ask him how is it going. And he would say one
25 or two words. "Well, it's the work that I'm doing

1 right now" would be a paraphrase of how he would
2 answer.

3 And I don't remember specific times, but
4 I often ask Gerry how his work is going.

5 Q Where you ask him how his work is going
6 do you refer to his work as the litigation?

7 A No, I don't.

8 Q What do you mean when you say "how his
9 work is going?

10 What does that entail?

11 A Well, he's a paralegal and he spends,
12 now, a good deal of his time doing this work.

13 He does other work. He's an artist and
14 writer. But he hasn't had much time for that in the
15 last few years.

16 Q Have you ever met Joe Yanny?

17 A Yes, I have.

18 Q When did you meet Joe Yanny?

19 A First?

20 Q The first time you ever met Joe Yanny?

21 A It must have been about a year ago.

22 Q Approximately April 1991?

23 A Approximately.

24 Q Do you recall where you met Mr. Yanny?

25 A Yes, I met him at his home in Hermosa

1 Beach.

2 Q Was anyone else present when you met Mr.
3 Yanny at his home in Hermosa Beach?

4 A Yes, Gerry was there, and Joe's friend
5 Christina.

6 Q Christina?

7 A I believe it's Christina.

8 Q Were you house guests at Mr. Yanny's
9 house?

10 A Yes, I was.

11 Q Did Mr. Armstrong introduce you to Mr.
12 Yanny?

13 A Yes, he did.

14 Q Prior to meeting Mr. Yanny approximately
15 a year ago had you ever had any occasion to speak to
16 Mr. Yanny?

17 A Gosh, I may have talked with him on the
18 phone once before that.

19 I think I answered the phone once and
20 said "hello" and he said "this is Joe, can I talk to
21 Gerry?"

22 I think I did, yes.

23 Q Do you recall when that was?

24 A It must have been sometime -- I think it
25 was when we were arranging the trip, when I first met

15

1 Joe, so it was just prior to.

2 Q To coming down to visit?

3 A Yeah.

4 Q Prior to you meeting Mr. Yanny did you
5 ever have any discussions with Mr. Armstrong
6 discussing who he was and anything about him?

7 A Who who was?

8 Q Prior to your trip to Hermosa Beach to
9 meet Mr. Yanny, did you ever have any discussions with
10 Mr. Armstrong about Mr. Yanny?

11 A The answer's no.

12 And the trip to Hermosa Beach was not to
13 meet Mr. Yanny. That wasn't the purpose of the trip.

14 Q So you had no discussions with Mr.
15 Armstrong prior to your trip to Hermosa Beach in which
16 you did meet Mr. Yanny?

17 A I had no discussions about Mr. Yanny with
18 Gerry, no.

19 Q What was the purpose of your trip to come
20 to Hermosa Beach or California?

21 A Well, I wanted to visit my brother.

22 Q I take it he lives somewhere in the
23 general vicinity?

24 A No, he lives over in Indian Wells.

25 Q When you came down to stay at Mr. Yanny's

15

1 house do you recall how long of a stay you made?

2 A A couple of days.

3 Q After visiting with Mr. Yanny did you go
4 visit your brother in Indian Wells?

5 A Yes, I did.

6 Q Do you recall what the circumstances were
7 that led to you spending a couple of days at Mr.
8 Yanny's house?

9 Was it a weekend get together? Was it an
10 invitation? How did that come about?

11 A I'd say it was more than anything
12 friendship.

16

13 Q A friendship between Mr. Armstrong and
14 Mr. Yanny?

15 A Yeah.

16 Q How did you come down from San Francisco
17 to Hermosa Beach when you stayed at Mr. Yanny's house,
18 did you drive down?

19 A Oh, gosh, no. I think we took a bus.

20 Q Is that what sticks out in your
21 recollection?

22 A Yeah. It could have been the Green
23 Tortoise even.

24 Q I'm sorry?

25 A The Green Tortoise.

1 Did you know that bus? It's sort of a
2 tour bus.

3 THE REFEREE: It's kind of psychedelic
4 bus that goes up and down.

5 MR. GREENE: Objection.

6 A That describes it.

7 MR. STOLLER: Calm down Ford.

8 THE REFEREE: When you have children you
9 pick up odd bits of information.

10 MR. STOLLER: You're not in the Bay Area
11 now, relax.

12 THE REFEREE: It's low income type
13 transportation.

14 MR. GREENE: Yes.

15 Q BY MR. STOLLER: Were you present during
16 any time in which Mr. Yanny or Mr. Armstrong had
17 conversations together, and during the weekend that
18 you stayed at his house?

19 A Oh, yes.

20 Q Was Mr. Yanny's friend Christian or
21 Christina present also during those conversations?

22 A At times, possibly.

23 Q Were you present during any conversations
24 between Mr. Yanny and Mr. Armstrong in which
25 Scientology was discussed?

1 A Yes.

2 Q When was that?

3 A Certainly that weekend.

4 Q Would it be safe to say that the three or

5 four days of your stay -- or regardless of how long it

6 was -- that it would be difficult to delineate one

7 day's conversation from another day's conversation,

8 that they're all part of the overall experience of

9 staying at Mr. Yanny's house?

10 A Very safe to say that.

11 Q So in that regard if I ask you about

12 specific conversations you would not really be able to

13 tell me that on a Friday there was this conversation?

14 A Absolutely. I would have no recollection

15 of specific days.

16 Q If you could, could you please tell me

17 anything that you can recall as to what Mr. Yanny said

18 and what Mr. Armstrong said regarding Scientology, in

19 which you were present?

20 MR. GREENE: Objection, calls for a

21 narrative.

22 THE REFEREE: Overruled. You can give

23 your best recollection.

24 MR. BERRY: You may not want to hear the

25 answer counsel.

1 THE REFEREE: Whatever.

2 Whatever recollection you have, share it
3 with the counsel.

4 MR. STOLLER: I'm a big boy.

5 A Mr. Yanny was very vocal and very -- he
6 has diarrhea of the mouth when it comes to talking
7 about how he feels, what he's involved within his life
8 and his law practice. So he talked a lot about how he
9 felt and what he was going through. I didn't listen
10 much to the content. But he talked a lot.

11 He's not happy with your organization or
12 the one you represent. He feels personally wronged,
13 and uhm, that he must somehow stop some practices that
14 he feels are inappropriate. He talks so much about
15 this that I couldn't help but wonder maybe there is
16 some truth in it. But it's none of my business.

17 Q BY MR. STOLLER: I understand that.

18 Is that the extent of your recollection
19 of what might have been said about Scientology from
20 Mr. Yanny?

21 A Well, he also feels that specifically
22 Gerry has been compromised.

23 Q Did he state that to Gerry, that he
24 believed he was compromised?

25 A Not in that, those words. But that is my

1 summary.

2 Q Did he tell him that Gerry should do
3 something about it?

4 MR. GREENE: Objection, calls for
5 speculation.

6 MR. STOLLER: To the extent she doesn't
7 have a specific recollection I'm trying to get her
8 feeling or her understanding.

9 MR. GREENE: Then ask her for her
10 feeling, not Yanny's state of mind.

11 Q BY MR. STOLLER: Is it your feeling or
12 understanding that Mr. Yanny wanted Mr. Armstrong to
13 do something about the way that he was wronged or
14 compromised?

15 A Not anything more than he had already
16 done.

17 Q "He" being Mr. Armstrong?

18 A Right.

19 Not anything more than Gerry had already
20 done.

21 Q You mentioned that Mr. Yanny wanted to
22 stop certain things or that it was, he felt that
23 things should be stopped.

24 Do you recall anything specific what he
25 might have stated?

1 MR. GREENE: Objection. And
2 mischaracterizes her testimony.

3 If you understand the question go ahead
4 and answer.

5 A He was very specific about feeling
6 personally invaded. That his privacy was being
7 invaded.

8 Q BY MR. STOLLER: Anything else you
9 recall?

10 A Just the feeling that, that he was being
11 treated unfairly by the Scientology organization.

12 Q To the extent that you indicated that he
13 wanted certain practices stopped, the invasion of his
14 privacy, was there anything else that you believe he
15 wanted stopped or he wanted to cease?

16 MR. GREENE: Objection, calls for
17 speculation again.

18 It's asking this witness to testify as to
19 what's in Mr. Yanny's mind. It's improper.

20 MR. STOLLER: I'll be happy to rephrase
21 the question.

17 22 Q BY MR. STOLLER: Do you have a feeling
23 that there was anything else based upon what you heard
24 in the discussion from Mr. Yanny as to other things
25 that he wanted to cease in his life as it relates to

1 Scientology?

2 A He said something to the effect that
3 don't they have anything better to do with their
4 lives.

5 Q That's something that Mr. Yanny stated?

6 A Something to that effect.

7 Q Did Mr. Armstrong respond to that?

8 A Again, this is -- I don't remember
9 specific dialogue at all. I'm giving you a general
10 impression of my entire experience of Joe Yanny.

11 Q Would it be accurate to say that Mr.
12 Yanny's experience was a lot of negative energy?

13 MR. GREENE: Objection. Calls for
14 speculation.

15 Also calls for an expert opinion.

16 No foundation.

17 MR. STOLLER: She might be qualified in
18 that area.

19 MR. PARKER: It may call for
20 hallucinations too.

21 MR. GREENE: That's Moxon's department.

22 MR. BERRY: We would stipulate fair game
23 involves negative energy.

24 MR. STOLLER: Any litigation involves
25 that.

1 Q BY MR. STOLLER: What I'm trying to
2 reconstruct from your memory here is discussions that
3 took place over that weekend.

4 And to the extent that there is no
5 specific delineation of these conversations, what I'm
6 interested in is to find out what you recall; the
7 impressions, the feelings, anything specific that you
8 might recall as result of looking back at this and
9 having your memory refreshed in which you can describe
10 to me some of the conversations regarding the topic of
11 Scientology, in which that topic was discussed between
12 Mr. Armstrong and Mr. Yanny.

13 So do you recall any comments or
14 expressions that Mr. Armstrong made during these
15 conversations that you were present in which Mr. Yanny
16 was having "diarrhea of the mouth" regarding
17 Scientology?

18 MR. GREENE: Objection, that's asked and
19 answered.

20 The witness has testified she doesn't
21 remember any conversation. All she can recall are
22 general feelings and general impressions.

23 MR. STOLLER: So it hasn't been answered
24 as it relates to Mr. Armstrong. I'm asking her
25 general feelings and impressions.

17 1 A I did not state that he has diarrhea of
2 the mouth with regards to Scientology. Just that Mr.
3 Yanny talks a lot.

4 And he's not to be faulted for this. He
5 let's off steam by talking. Which is a natural thing
6 for a person to do if they're under a lot of pressure.

7 MR. BERRY: We will stipulate that Joe
8 can talk.

9 A In terms of negative energy, I think no,
10 he is simply saying what he feels to be true.

11 THE REFEREE: I think the question was
12 really directed to Mr. Armstrong's -- I don't know
13 quite what word -- contributions on the occasion of
14 the visit.

15 A Gerry is very quiet. Especially around
16 Joe. He would tend to say very little. And I think
17 more than anything to try to help calm Joe down.

18 Q BY MR. STOLLER: Do you recall hearing
19 any comments that Mr. Armstrong may have made during
20 that weekend in which there were conversations
21 regarding the subject of Scientology?

22 A No.

23 Q Did you hear any conversation in which it
24 was discussed, strategy, as to Mr. Armstrong's case?

25 MR. GREENE: Objection, assumes a fact

1 not in evidence. Namely that there was at that time
2 extant litigation between Scientology and Gerald
3 Armstrong.

4 THE REFEREE: I don't think it really
5 assumes anything.

6 MR. STOLLER: I asked her if she heard.

7 THE REFEREE: Do you have any such
8 recollection? You may answer that one.

9 A "Strategy?"

10 THE REFEREE: That was the question.

11 A No, Gerry never would discuss much at all
12 in the social arena.

13 Q BY MR. STOLLER: I'm not talking
14 generally, I'm talking about this specific weekend in
15 which Mr. Armstrong and Mr. Yanny were together for
16 this period of time, do you recall hearing any
17 discussions regarding his case in which Mr. Yanny was
18 suggesting or advising various things that should be
19 done in his case?

20 A No.

21 Q Do you recall Mr. Armstrong asking Joe
22 for any advice during this weekend regarding his case?

23 A Good heavens, no.

24 Q You're certain of that?

25 MR. GREENE: Objection, argumentative.

1 THE REFEREE: You may answer. I gather
2 you were certain?

3 A (Nodding)

4 THE REFEREE: You have to answer out loud
5 so she can take it down. (Indicating the reporter)

6 A Yes.

7 Q BY MR. STOLLER: To the best of your
8 recollection did you exhaust the impressions and
9 feelings that you had from the discussions that you
10 were present in which Mr. Armstrong and Mr. Yanny
11 discussed Scientology?

12 Is there anything else that you recall
13 that you haven't testified to already?

14 A No, that's all.

15 Q Have you ever heard the name of Richard
16 Aznaran?

17 A Yes.

18 Q Have you ever heard the name of Vicki
19 Aznaran?

20 A Yes.

21 Q When did you first hear the name?
22 Did you hear them about the same time?

23 A Yes.

24 Q When did you first hear their names, the
25 Aznarans?

17 1 A Approximately six months ago.

 2 Q How did you come to hear about the

 3 Aznarans?

18 4 A I was -- how did I?

 5 I had heard that Ford was representing

 6 the Aznarans.

 7 Q How did you hear that Ford was

 8 representing the Aznarans?

 9 A I believe he told me.

10 Q That Mr. Greene told you that?

11 A I believe so.

12 Q Do you recall where that was that he told

13 you this?

14 A Yes, at his office.

15 Q Who else was present when Mr. Greene

16 informed you that he was representing the Aznarans?

17 MR. GREENE: Objection, assumes a fact

18 not in evidence, namely that somebody else was

19 present.

20 THE REFEREE: Was anybody else there?

21 A I don't believe so.

22 Q BY MR. STOLLER: Was Mr. Armstrong there?

23 A I don't recall.

24 Q Do you have a recollection of what Mr.

25 Greene stated to you about him representing the

1 Aznarans?

2 A No, it was a very casual comment.

3 Q Did he come in and say hi Ford, how's the
4 weather?

5 Oh great, I'm representing the Aznarans?

6 MR. BERRY: Objection, coaching the
7 witness.

8 THE REFEREE: Do you recall how it came
9 up?

10 A No, I don't.

11 Q BY MR. STOLLER: What did you say to him
12 when you heard the information communicated to you?

13 A I don't recall.

14 Q When he stated to you that he was
15 representing the Aznarans, did that have an impact on
16 you as to who they were?

17 A No, it did not.

18 Q When was the next time you heard of the
19 Aznarans?

20 A At breakfast one morning Gerry and I
21 happened to be in the same coffee cafe when Mr. John
22 Elstead came in and sat down with us. And at that
23 point there was some brief discussion of the Aznarans.

24 Q When did that discussion take place at
25 the coffee shop with Mr. Elstead?

1 A It was late last fall, November or
2 December.

3 Probably November or October even.

4 Q Do you recall the name of the cafe?

5 A Huh uhm. It's in Oakland.

6 Q Was that an arranged meeting?

7 A No, it was completely coincidental. It
8 surprised all of us.

9 Q Had you met Mr. Elstead prior to that
10 meeting?

11 A Yes.

12 The very oddest thing was we had met him
13 coincidentally at a completely separate espresso
14 coffee shop in Montclair, which is near Oakland. And
15 it blew our minds that we met this person again at a
16 different coffee shop, totally coincidentally.

17 Q How long prior -- strike that.

18 The coincidental meeting that you had at
19 that other coffee shop, how long of a time span had
20 elapsed?

21 A Only a couple of weeks.

22 About two weeks.

23 Q Where you met Mr. Elstead in the coffee
24 shop a couple weeks prior?

25 A The first time.

1 Q Had you ever met Mr. Elstead before?

2 A No.

3 Q When you had met him for the first time
4 did Mr. Armstrong know Mr. Elstead at that meeting,
5 the first time?

6 A I think he must have, otherwise how could
7 they have recognized each other?

8 Q Did they have a discussion?

9 A They had a light, short discussion.

10 Q Do you recall what was said?

11 A They were at that time talking about some
12 of the details of what the Aznarans would need and
13 needed.

14 Q Do you recall any of the details of what
15 they would need?

16 MR. GREENE: If you do recall any of
17 those details I'm instructing you not to answer based
18 on the attorney work product privilege.

19 MR. STOLLER: How are you asserting this
20 attorney work product privilege to the extent that
21 there were discussions?

22 A I don't recall any.

23 MR. STOLLER: I find it inappropriate to
24 the extent she is already testifying about this
25 conversation so that you're putting a stop on, censure

1 on her further communications.

2 To the extent you're asserting an
3 attorney work product privilege, to the extent she is
4 present during a communication that is under no
5 privilege whatsoever between Mr. Armstrong and Mr.
6 Elstead regarding the Aznarans, I find the privilege
7 totally disingenuous.

8 MR. GREENE: You requested that.

9 Did you want to know the basis for it?
10 I'll be happy to tell you.

11 MR. STOLLER: Sure.

12 MR. GREENE: The basis for the privilege
13 is that Lorien Phippeny at that time was my employee
14 at my office. She cooked, she cleaned, she was
15 present during the course of various activities that
16 took place with regard to the Aznaran case.

17 Gerry Armstrong was my employee on that
18 case. As the employer the privilege extends to my
19 employees. That is the basis.

20 John Elstead is co-counsel.

21 MR. STOLLER: At the time that they met
22 there was no record or foundation to show that that
23 meeting was, at the time that Mr. Elstead was involved
24 in the case or was even aware of the case.

25 MR. GREENE: That's fine counsel. You

18 1 want to find out, you can find out.

19 2 I'm telling you right now that both
 3 Lorien and Gerry worked for me at that time, and it
 4 was subsequent to August 1st 1991. And that the
 5 privilege that I hold as attorney of record for the
 6 Aznarans extends to my employees.

 7 And I'm asserting that and I'm telling
 8 Lorien not to answer your question with respect to any
 9 contents.

10 You can find out as you have questions to
11 the facts of conversations. I've allowed that. With
12 respect to the substance I'm drawing the line and
13 telling her not to answer.

14 MR. STOLLER: You want to make a comment
15 on this?

16 THE REFEREE: I'm listening.
17 What exactly is Ms. Phippeny's
18 relationship to the law office?

19 MR. STOLLER: We're told for the first
20 time as we sit here that Ms. Phippeny, at the time she
21 was with Mr. Armstrong at an expresso bar, they were
22 employees of Mr. Ford Greene.

23 THE WITNESS: It's espresso, not
24 "expresso."

25 MR. STOLLER: Mr. Phippeny and Mr.

1 Armstrong were both employees of Mr. Greene?

2 MR. GREENE: That's right.

3 MR. BERRY: There is a first time for
4 many things in life.

5 THE REFEREE: What I haven't absorbed yet
6 is just what, in what way is Ms. Phippeny employed?

7 MR. GREENE: As I told counsel, she was
8 employed in order to cook and to clean.

9 Q BY MR. STOLLER: At the law office?

10 A Yes, sir.

11 Q Do you live at the law office?

12 A I do not, no.

13 THE REFEREE: I was really talking to Mr.
14 Greene.

15 A Presently no, I don't. In the past I
16 have.

17 MR. GREENE: At the time that all of this
18 was going on both Mr. Armstrong and Ms. Phippeny did
19 live at the law office.

20 MR. STOLLER: I find it very interesting
21 since there has been no time frame put on this meeting
22 that you know specifically this time frame was at a
23 point she was employed for you at this law office,
24 cooking and cleaning.

25 MR. GREENE: This witness indicated that

1 the meeting took place sometime in, late in the fall
2 or October 1991.

3 THE REFEREE: That was the time frame.

4 MR. STOLLER: That's still very vague and
5 very general.

6 MR. GREENE: That certainly is after
7 August 1st, '91, isn't it?

8 MR. STOLLER: That's true.

9 Q BY MR. STOLLER: Now, let me ask you
10 this. My preliminary question, was that how were you
11 employed? And you said you were self-employed.

12 You also indicated that you were teaching
13 body work and yoga for the last several years?

14 A I did not state that, no.

15 MR. BERRY: My recollection was she was
16 self-employed at this point in time.

17 MR. GREENE: Again, your private
18 investigator surveillance logs will corroborate all of
19 this counsel.

20 MR. STOLLER: We can add this to the
21 record and we can be here for another day. I'm trying
22 to move through this as expeditiously as possible.

23 To the extent you raise certain
24 objections, that are specious at best, I have a right
25 to go into voir dire of your witness.

1 Ford I engaged in a very, I would say creative
2 partnership in which I resided at his office and did
3 some cleaning and cooking at that time.

4 It was an informal arrangement. It
5 wasn't formal. No money was ever exchanged --

6 Q When did you start this "creative
7 partnership" with Mr. Ford?

8 MR. GREENE: With Mr. Greene?

9 Q BY MR. STOLLER: With Mr. Greene, excuse
10 me?

11 A Approximately when was it?

12 Q I'm asking you?

13 A I don't remember.

14 Q All you have to state is you have no
15 recollection.

16 A I do. It was summer or early fall.

17 Q Of 1991?

18 A Yes.

19 Q Were you dating Mr. Greene during that
20 time?

21 A No, I was not.

22 Q Are you presently dating Mr. Greene?

23 A No, I'm not.

24 Q Were you living in the office at the time
25 of this "creative partnership" with Mr. Greene?

19

1 A Yes, I was.

2 Q Was his office at his home?

3 A Pardon me?

4 Q In other words, was it a regular office
5 where there was living accommodations in it, or was it
6 an office in a home or apartment or condo?

7 A It is an office that has living
8 facilities in it. So it's livable.

20

9 Q Was Mr. Greene living in those
10 facilities?

11 A No, Mr. Greene was not.

12 Q Were you living in those facilities with
13 anybody else?

14 A Yes, Gerry stayed there as well.

15 Q Were you having a relationship with Mr.
16 Armstrong at that time?

17 A Of a sort.

18 Q Are you presently having a relationship
19 with Mr. Armstrong?

20 MR. GREENE: Objection, vague and
21 ambiguous.

22 Also invasive of privacy.

23 MR. BERRY: Yes, California Constitution.

24 THE REFEREE: I don't really think we
25 need to explore this any further.

1 I'm not too clear on whether or not there
2 is --

3 MR. STOLLER: I think it's disingenuous
4 to the extent Mr. Greene is trying to assert Ms.
5 Phippeny was an employee of him, of his, while she
6 was -- let me ask one other question.

7 Q BY MR. STOLLER: At the time that you
8 were with Mr. Armstrong going to this espresso shop --

9 A Espresso.

10 Q Thank you.

11 -- espresso shop, what was the nature of
12 your trip to that espresso shop?

13 A To have coffee.

14 Q Were you working for Mr. Greene at the
15 time?

16 A I've never really considered that I work
17 for Ford. I consider that we exchanged help of a
18 kind.

19 Q Help or health?

20 A Help.

21 MR. STOLLER: I believe that's
22 sufficient.

23 And to the extent it was her
24 understanding that she did not believe she was
25 employed by him, I think that is sufficient to show

1 that there is really no type of work product or
2 attorney privilege that would extend to this witness.

3 MR. BERRY: I would submit that attorneys
4 who have people performing services in their law
5 firms, whether by payment or otherwise, should be
6 entitled to expect that those services will have the
7 services of attorney work product privilege.

8 We have in our law firm I don't believe
9 directly pay the cleaning staff, I believe they are
10 paid by the landlord. But we still expect them to
11 preserve our confidences that they come across.

12 THE REFEREE: That well may be so.

13 This isn't any confidence learned at the
14 law office as far as I can tell. This pertains to a
15 conversation which was had in a social setting when
16 Mr. Armstrong and Ms. Phippeny were having some coffee
17 and encountered Mr. Elstead.

18 I don't see that this is, I just don't
19 see that this is covered by the privilege since the
20 conversation was had in the presence of Ms. Phippeny.
21 I overrule the objection.

22 MR. STOLLER: Obviously I'm sure you
23 probably forgot the basic question. I'll try to
24 rephrase it for you.

25 Q BY MR. STOLLER: To the extent you can,

1 please tell me what was discussed during that initial
2 meeting when you had espresso with Mr. Elstead and Mr.
3 Armstrong as to what was needed in the Aznaran's case?

4 A Right.

5 I recall none of the details basically.

6 Q Aside from the details, what about
7 generalities that you recall?

8 A It was a joyful meeting. John was happy
9 to see us at the coffee shop and we were very
10 surprised to see him there.

11 Q I believe you started testifying earlier
12 about, there was a discussion about what was needed in
13 the Aznaran case.

14 Can you elaborate on that anymore?

15 A No. I don't remember any of the details
16 about it.

17 If anything, it was logistical in nature;
18 that this sort of paper needed to be moved to that
19 location and/or faxed or mailed. And yes, we will fax
20 that and you will receive that. That sort of thing.

21 Q Do you recall whether or not Mr. Yanny's
22 name was mentioned in that conversation?

23 A I don't believe it was, but I don't
24 really recall.

25 Q I believe you testified earlier that

1 approximately six months ago, that's when you first
2 heard of the Aznarans, and you believe you heard about
3 it from Mr. Greene when he stated he would be
4 representing them?

5 MR. GREENE: Objection, asked and
6 answered.

7 MR. STOLLER: I'm doing this to segue,
8 counsel, so we can get back on track of where we were.

9 MR. GREENE: It's your deposition.
10 Don't repeat the same questions you've
11 already asked.

12 THE REFEREE: It wasn't really a
13 question, I think it was an introduction.

14 What's the question?

15 Q BY MR. STOLLER: When was the next time
16 that you heard -- strike that.

17 In the following weeks or a couple of
18 weeks after you first met Mr. Elstead and then you
19 were at this other breakfast cafe in which Mr. Elstead
20 came in, you said there was a brief discussion also,
21 is that correct?

22 A Uh hum.

23 Q To the best that you can recall, please
24 tell us what was discussed during that conversation?

25 A Again, I recall -- I don't recall except

1 that it was logistical in nature about movement of
2 papers.

3 Q That was in the Aznaran case?

4 A Probably.

5 Q Did you recall hearing the name of the
6 Aznarans, Vicki or Richard, in that discussion at the
7 coffee shop?

8 A I think so.

9 Q Did you hear the name of Joe Yanny come
10 up during that conversation?

1

11 A Not to my recollection.

12 Q Did you ever hear the name Barry Van
13 Sickle come up in that conversation?

14 A No.

15 Q Do you recall the time frame of when --
16 I believe you said that you had this
17 expresso --

18 A Espresso.

19 Q -- in Oakland sometime in the fall of
20 1991?

21 A I think so.

22 Q Do you recall when you had this meeting
23 in the cafe that you had breakfast with Gerry, that
24 was still towards the fall of '91?

25 A Right.

1 It would have to be two weeks after the
2 first meeting.

3 Q After that time do you recall when you
4 first heard the names Richard and Vicki Aznaran?

5 A No, I don't.

6 Q Do you know who the Aznarans are?

7 A I have a vague knowledge of them.

8 Q You have a vague knowledge.

9 How did you obtain the vague knowledge of
10 them?

11 A Through the various conversations with
12 Gerry and Mr. Elstead.

13 And through knowing that Ford was
14 representing them at that time.

15 Q During August of 1991 did you help Mr.
16 Greene compile documents for filing in the Aznaran
17 case?

18 A No, I did not.

19 Q Have you ever worked in the office
20 helping prepare documents or filings in any of Mr.
21 Greene's cases?

22 A What did I do? No, I never did that
23 work.

24 The only paperwork I ever did was to
25 prepare an invitation to Ford's birthday party and

1 Christmas party.

2 Q While you were cooking and cleaning in
3 Mr. Greene's office did you ever receive or answer the
4 phone in which Mr. Yanny was on the other end?

5 A Yes, I did.

6 Q When was that?

7 A A couple of times.

8 The first was -- various times Joe called
9 and I answered the phone.

10 Q Do you recall approximately when the
11 first time you recall getting a phone call from Mr.
12 Yanny while you were at Mr. Greene's office?

13 A It could have been any time last summer
14 or fall, early fall.

15 Q Do you presently do any cleaning or
16 cooking at the office for Mr. Greene?

17 A No, I do not.

18 Q When did you cease providing those
19 services?

20 A When I relocated myself to Santa Cruz,
21 California.

22 Q Do you know when Mr. Armstrong started
23 working for Mr. Greene?

24 A I believe last summer. It could have
25 been August.

1 Q Could it have been later or earlier?

2 A It could have been later. It could have
3 been September.

4 Q You don't have a specific recollection?

5 A No, I don't remember exactly.

6 Q What is it that you know about the
7 Aznarans?

8 A I know that they're suing the Scientology
9 organization because they're upset about things that
10 they feel were unfair.

11 MR. GREENE: Lorian, any information with
12 respect to the Aznarans that you gained while working
13 at my office is subject to the, what's called the
14 attorney work product privilege.

15 And with respect to any of those kinds of
16 things I would instruct you not to answer any
17 questions posed by Mr. Stoller.

18 MR. STOLLER: I think you're jumping the
19 gun again. First I was going to ask her where she
20 obtained this information.

21 To the extent you did assert that
22 objection, it would be based upon the same comments I
23 had before.

24 MR. GREENE: The way this deposition is
25 proceeding is kind of on a stream of consciousness

1 level. And I'm not really sure from whence the stream
2 will flow so I'm jumping from, to make sure it doesn't
3 spring from my office. If it springs from a meeting
4 with Elstead.

5 MR. STOLLER: Are you trying to be a dike
6 here?

7 MR. GREENE: Am I trying to be a "dike"
8 here?

9 THE REFEREE: You have had an hour with
10 this witness.

11 MR. STOLLER: Counsel, excuse me.
12 I expected to be a lot quicker through
13 the questions. It's not because there is a lot of
14 them, it's partly because of how we're going about the
15 responses and what refreshes the recollections of this
16 witness.

17 To the extent that I'm approximately
18 halfway through the questions, hopefully we can
19 conclude it in about a half hour.

20 THE REFEREE: Let's try to do that.

21 MR. STOLLER: Okay.
22 If at any time you need a two minute
23 break I think we can accommodate you.

24 MR. GREENE: If we keep the water coming
25 it will be okay.

1 Q BY MR. STOLLER: Is there anything else
2 you recall about the Aznarans other than what you
3 previously testified to?

4 MR. GREENE: Again Lorien, keep in mind
5 my admonishment to you.

6 And if responding to Mr. Stoller's
7 question would incorporate information about the
8 Aznarans that you learned while working for me, I'm
9 instructing you not to answer that question based on
10 work product privilege.

11 MR. STOLLER: Maybe it will be an hour.

12 THE REFEREE: I hope not. You understand
13 the admonition.

14 MR. STOLLER: Why don't we have a ruling
15 on it?

16 THE REFEREE: I'll make a ruling. I
17 thought I implied one.

18 If she was working there on any kind of a
19 basis then the privilege probably applies. It doesn't
20 apply to social situations away from the office and
21 whatever she might have learned in those contexts.

22 She should -- if being there in the
23 office performing any kind of function was the
24 occasion for learning something, then that's probably
25 privileged. I don't think we're getting any exciting

1 answers in any case.

2 MR. STOLLER: I think it's very easy to
3 dispel that.

4 Q BY MR. STOLLER: When you were working
5 for Mr. Greene and you were cooking and cleaning did
6 you ever look at any of his files on any of his cases?

7 A I never delved into any of Ford's
8 business.

9 Sure, my eye might catch something as I
10 walked through the office, but I never looked into his
11 files or discussed any of his cases or studied them
12 in -- at all.

13 Q Do you recall ever talking to him about
14 any of his cases?

15 A Only -- no, I had very little interest in
16 Ford's cases.

17 MR. STOLLER: I think that answers the
18 questions also to the extent she would not have
19 discovered any information about the Aznarans as a
20 result of her services she provided to Mr. Greene.

21 THE REFEREE: I expect this is not going
22 to be overly productive.

23 Did you ever sit in on any meetings,
24 strategy sessions or discussions?

25 THE WITNESS: No.

1 I was in fact informed sometimes that it
2 was inappropriate for me to be -- stay in the kitchen
3 when it was being discussed. So I would leave the
4 room.

5 Q BY MR. STOLLER: Going back to the
6 question was, to the best of your recollection is
7 there anything else that you know of the Aznarans
8 which you have not previously testified to today?

9 A No, there is nothing else I know of them.

10 Q Based upon the information that you
11 testified to just now, how did you obtain this
12 information as to who the Aznarans were and that they
13 were filing a lawsuit or suing the Church for whatever
14 it is that they felt they needed to recover against
15 them?

16 MR. GREENE: Objection, it's vague and
17 ambiguous.

18 A (No response)

19 Q BY MR. STOLLER: Let me ask you a
20 specific question.

21 How did you obtain the information about
22 the Aznarans that you just testified to?

23 A I've already answered this question. And
24 I stated that it was a casual comment by Ford to me at
25 one point that he was representing them. And that's

1 it.

2 Q But you also stated they were suing
3 Scientology.

4 Was that something that you learned from
5 Mr. Greene?

6 A I could have learned it from Mr. Greene.

7 I could have learned it from Gerry.

8 I could have learned it from John Elstead
9 in the conversation in the coffee shop. I don't
10 recall the exact source.

11 Q Other than those sources that you just
12 testified to -- Mr. Greene, Mr. Elstead and Mr.
13 Armstrong -- would there be any other sources in which
14 you would have been able to obtain information about
15 the Aznarans?

16 A No, there would not have been.

17 Q Do you recall any other discussions that
18 you might have had with Mr. Armstrong regarding the
19 Aznarans?

20 A Gerry said one time "I wonder why they
21 never call us." And that's all I recall about that.

22 Q "Why they never call us?"

23 A Yeah.

24 Q Were you aware that the Aznarans were
25 former members of the Church?

2 1 THE REFEREE: First is "they" the
2 Aznarans?
3 MR. GREENE: Correct.
4 A By "the Church" are you referring --
5 Q BY MR. STOLLER: To the Church of
6 Scientology.
7 MR. BERRY: The witness may know it as
8 "the organization."
9 A That's how I know it. I don't recognize
10 it to be a Church.
11 Q BY MR. STOLLER: We'll use your
12 terminology.
13 As the organization?
14 A Oh yes, I was quite cognizant of the fact
15 that they were former organization affiliates in some
16 fashion.
17 Q How did you become cognizant of that
18 fact?
19 A Again, through either Ford, Gerry or John
20 I'm sure.
21 I don't recall the exact source.
22 Q Were you cognizant of the fact that they
23 had filed litigation as a result of certain things
24 that they claim the Church did to them?
25 The organization did to them?

2 1 A I think I've already stated that I knew
2 that they were upset and were suing the organization.

3 Q Do you recall any discussions that Mr.
4 Armstrong might have had with you indicating the
5 personal experiences that he had with the organization
6 were similar to the experiences that the Aznarans had
7 with the organization?

8 A No.

9 Q Do you recall any conversations in which
10 Mr. Armstrong mentioned to you maybe we can allie our
11 forces and go after the organization with the
12 Aznarans?

13 A No, definitely not.

14 MR. BERRY: If you're looking for
15 substantial relationships you haven't pleaded the
16 Armstrong case as being one of the substantially
17 related cases.

18 MR. STOLLER: I'm not talking about the
19 Armstrong case.

20 THE REFEREE: Let's don't go off an a
21 tangent gentleman.

22 MR. GREENE: Tempest fugat.

23 Q BY MR. STOLLER: During your stay down at
24 Mr. Yanny's house in Hermosa Beach were you present
25 when there was a conversation with Mr. Yanny or Mr.

1 Armstrong regarding the Aznarans?

2 A Possibly that name was mentioned.

3 Q Again, knowing that the conversations
4 might not be able to be segregated from one to the
5 other, to the best you can, can you tell me what you
6 recall about their name coming up in conversation?

7 MR. GREENE: If you do.

8 A Uhm, well, I don't recall -- no, I don't
9 recall details.

10 Q BY MR. STOLLER: While you were at Mr.
11 Yanny's house in Hermosa Beach, during those couple of
12 days that you were visiting, do you recall the
13 Aznarans, do you know whether or not the Aznarans
14 called Mr. Yanny's house?

15 A No, I don't.

16 Q Do you recall having any discussions with
17 Mr. Armstrong while you were down in Hermosa Beach
18 visiting Mr. Yanny, whether you had any discussions
19 about the Aznarans while you were down there?

20 A No, I don't recall any.

21 Q Did Mr. Armstrong ever tell you that he
22 had a priest-penitent relationship with Mr. Yanny?

23 A No.

24 Q Did you ever observe Mr. Armstrong to
25 counsel Mr. Yanny in a religious context?

1 MR. BERRY: Objection on behalf of Mr.
2 Yanny. Advise the priest -- on behalf of Mr. Yanny
3 who is the holder of priest-penitent privilege.

4 THE REFEREE: The objection is overruled.
5 You can answer that.

6 MR. GREENE: Let me interpose it's vague
7 and ambiguous.

8 No foundation.

9 Calls for an expert opinion.

10 THE REFEREE: She can have, a lay person
11 can have an opinion in this area. After all, do you
12 have the question in mind?

13 After all, it is collaborative.

14 Do you have the question in mind?

15 A Yes.

16 Yes, Joe would talk to Jerry.

17 Q BY MR. STOLLER: Joe would talk to Jerry?

18 A Uh hum. Again, Jerry doesn't say much.

19 Q Was it similar to the conversation that
20 you witnessed while you were visiting in his house?

21 A Yes, it was similar.

22 Q And it was discussions about his work and
23 his business at his office?

24 MR. GREENE: Objection. Mischaracterizes
25 her testimony.

1 It assumes facts.

2 I believe the prior question was did you
3 observe. She said yes. Now it's going into contents.
4 Assuming that she knows what the content was. It
5 assumes a fact not in evidence.

6 MR. STOLLER: I asked her whether she
7 ever observed Mr. Armstrong counseling Yanny in a
8 religious context. She said yes, Jerry and Joe
9 talked.

10 THE WITNESS: I said Joe talked to Jerry.

11 MR. STOLLER: To the extent I'm asking
12 about those talks, that is the nature of the follow up
13 question.

14 MR. GREENE: Ask her what they talked
15 about, not was it similar to some other kind of
16 conversation.

17 MR. BERRY: Just because she overheard
18 something she was not intended to hear does make those
19 conversations lose the privilege. As an eavesdropper.

20 MR. STOLLER: I don't think Ms. Phippeny
21 was a eavesdropper.

22 THE REFEREE: Do you know what they were
23 talking about?

24 THE WITNESS: This was on the telephone,
25 right?

1 THE REFEREE: We don't know what you're
2 talking about.

3 The question was in the context of when
4 you were visiting down in Hermosa Beach. At least
5 that's what I thought.

6 MR. STOLLER: My question was more
7 general.

8 I asked whether or not she ever observed
9 Mr. Armstrong counsel Mr. Yanny in a religious
10 context?

11 That was the basic question.

12 A Well, yes.

13 I mean, as I've stated, Joe would talk to
14 Jerry about his feelings and thoughts.

15 Q BY MR. STOLLER: "About his feelings and
16 thoughts?"

17 A About his life and himself and his work.

18 Q What was going on in his office and
19 things of that nature?

20 A I assume so.

21 MR. GREENE: Wait.

22 Lorien, if you know, okay. But don't
23 guess and don't assume.

24 If you have a specific recollection,
25 specific piece of information, that's fine. Say what

1 it is.

2 But if you're guessing or you're making
3 assumptions, don't do that please.

4 A Not so much about his office.

5 Joe mainly, as I say, needed somebody who
6 would be able to listen to him. And Jerry would
7 listen to him.

8 Q BY MR. STOLLER: Did Mr. Yanny ever talk
9 to you?

10 A Yes, he did.

11 Q For someone to listen to?

12 A Yes, he did.

13 Q Do you recall what he talked to you
14 about?

15 A Mostly his girlfriend.

16 Q Aside from that area was there anything
17 else that you discussed, that Mr. Yanny discussed with
18 you?

19 A No.

20 Q Are you a member of Mr. Armstrong's
21 Church?

22 A Yes, I am.

23 Q What is the name of that Church?

24 A I don't think it has a name.

25 Q How long have you been a member of Mr.

3 1 Armstrong's Church?

2 A About two years.

3 Q Have you ever been counseled within Mr.
4 Armstrong's Church?

5 MR. BERRY: At this point, Your Honor, I
6 object on the grounds of relevance.

7 It has absolutely no relevancy to
4 8 anything that might lead to the discoverable evidence
9 in the Yanny case.

10 THE REFEREE: Thank you for the thought,
11 but we have the questions.

12 There is not a lot of faith demonstrated
13 by either side in the Church professed by the other
14 side. So it's a permissible question in that context.

15 MR. STOLLER: This is a case of lack of
16 faith.

17 THE REFEREE: Definite lack of faith.

18 MR. BERRY: Lots of practices, but no
19 faith.

20 THE REFEREE: No offense is intended to
21 anybody.

22 Q BY MR. STOLLER: Have you ever been
23 counseled by Mr. Armstrong's Church?

24 A No, I have not.

25 Q Do you think of Mr. Armstrong as a

1 priest?

2 A No, I did not.

3 Q Have you ever been present during any
4 conversation between Mr. Yanny and Mr. Armstrong where
5 it was discussed or stated that whatever they were
6 talking about would be covered by a priest-penitent
7 privilege?

8 A The term has been mentioned in my
9 presence.

10 Q And when do you recall that term being
11 mentioned in your presence?

12 A Various times.

13 Q When do you recall the first time that
14 being mentioned?

15 A On the phone when Joe called he left a
16 message one time said, a message for his "priest."

17 He didn't say anything about being a
18 penitent. I don't know about being a penitent. I
19 think that's a Catholic thing.

20 But in fact, that has nothing to do with
21 Gerry's Church. It doesn't have anything to do with
22 penitents.

23 This was all something, Joe brought up
24 the term priest. Jerry never mentioned the term
25 priest. I think Joe warmly considers Jerry his

1 friend, and I think he uses the term priest to best
2 describe the wholeness that he ascribes to the
3 relationship.

4 Q Do you recall what the message was that
5 was left when Joe said he's leaving this message for
6 his priest?

7 A "Please call me back as soon as you can."

8 Q When was the next time you heard the term
9 "priest-penitent" mentioned?

10 MR. GREENE: Objection. Mischaracterizes
11 the testimony.

12 She said that Yanny made reference to
13 "priest." You're throwing "penitent" in there.

14 THE REFEREE: I know what she said.

15 It's really a generalized question in a
16 generalized area. If you understand the question you
17 can answer it. We're not assuming anything by the
18 answer.

19 MR. BERRY: I interpose a relevancy
20 objection.

21 THE REFEREE: I'm aware. Let's see if we
22 can get this over with.

23 A The term "priest-penitent privilege" is,
24 has only been mentioned in my presence in a legal
25 context.

1 And I don't recall specific times when it
2 has been mentioned, I'm just aware that the term has
3 been mentioned.

4 Q BY MR. STOLLER: When was it mentioned in
5 a legal context that you recall?

6 A Today.

7 Q Do you recall who mentioned it to you in
8 the past when you've heard it from time-to-time?

9 A If anyone it would have been Joe Yanny.
10 I think.

11 MR. GREENE: In the same sense as when he
12 called and left a message on the phone?

13 THE WITNESS: No, he never used that
14 term. He would never say anything about penitent.

15 And the term "priest" was only a term of
16 endearment. That's my interpretation.

17 Q BY MR. STOLLER: Did Mr. Armstrong ever
18 tell you anything about a priest-penitent privilege or
19 any type of protected communication?

20 A No.

21 MR. BERRY: I object on the grounds of
22 relevance. I think fishing should be confined to
23 streams, rivers, lakes.

24 THE REFEREE: It's a small net.

25 It's late in the day, and the answer is

1 no.

2 Q BY MR. STOLLER: How long have you known
3 Mr. Armstrong to actively be practicing his own
4 religion?

5 THE REFEREE: Do you understand that
6 question?

7 A Yeah. You mean the Church that he
8 started?

9 THE REFEREE: If you have to ask him what
10 he means, then I suggest that you don't understand the
11 question, because I certainly didn't understand the
12 question.

13 Q BY MR. STOLLER: You said you were a
14 member of Mr. Armstrong's Church for approximately two
15 years, is that correct?

16 A Yes.

17 MR. GREENE: Objection, asking her to
18 comment on her own testimony.

19 THE REFEREE: She said about two years.
20 Let's go.

21 MR. GREENE: Right, she did. Asked and
22 answered.

23 Q BY MR. STOLLER: And Mr. Armstrong's
24 Church I assumed, maybe incorrectly, so that that's
25 his own religion?

1 A He's never used the word "religion."

2 MR. GREENE: I'm going to object to the
3 form of the question. He's asking the witness to
4 testify about what's in Gerald Armstrong's mind. She
5 can't do that.

6 THE REFEREE: Sustained.

7 MR. GREENE: Thank you.

8 Q BY MR. STOLLER: You've indicated that
9 he's never used the word "religion."

10 What has he used to describe his?

11 A He said "I started a Church in" I think,
12 to answer your question, I think, "1982." I'm not
13 sure of the exact date.

14 And it has three beliefs. And he stated
15 what they were.

16 Q What are the beliefs of that Church?

17 A I think I remember now.

18 The first is that when members of the
19 Church are together God is present.

20 Second is that what is said or done or
21 what takes place between members of the Church is
22 sacred.

23 And the third is that this is the way it
24 always has been, is, and always will be.

25 Q Do you know how many members there are of

1 Mr. Armstrong's Church?

2 A No.

3 MR. GREENE: Objection, on relevance.

4 MR. BERRY: At this late stage in the day
5 I urge counsel to move on to something that is
6 relevant to this litigation, not a collateral attack
7 on different things in different cases.

8 THE REFEREE: It's my understanding from
9 the depositions that I've read that one side's
10 position is that the Church exists and that rights
11 exist pursuant to the existence of the Church.

12 And the other side's position is that the
13 Church doesn't exist and that the claims of rights are
14 a sham.

15 And because of those two positions I
16 think some questions can be asked in this area. And
17 this particular one, while I have no idea how
18 productive the question is going to be, is one that is
19 not inappropriate.

20 If you know how many members the Church
21 has you may answer.

22 MR. BERRY: Can I ask if I will be
23 permitted to do the same with Mr. Rathbun on Saturday?

24 THE REFEREE: We'll see. May well be.
25 May well be.

5 1 A I do not know how many members the Church
2 has.

3 Q BY MR. STOLLER: Have you seen any
4 written scriptures other than these three beliefs that
5 you stated?

6 Are there any written scriptures of the
7 tenants or beliefs of Mr. Armstrong's Church?

8 A No, there are not. There is nothing
9 written. And the Church simply consists of those
10 three beliefs.

11 Q Have you ever met a person by the name
12 ever John Koresko?

13 A No, I have not.

14 Q No, you have not?

15 A No, I have not.

16 I have something to add.

17 Q Please do.

18 A The earlier discussion of what was
19 upsetting Joe, he would often use the two words "fair
20 game," and describe this to be a policy of the
21 organization.

22 It was something he was upset about.

23 Q Did he elaborate on what that policy was
24 or how he was upset about it?

25 A Well, he said that it was a policy

1 whereby the staff of the organization would
2 arbitrarily designate certain people to be fair game
3 and could be treated anyway they wanted to treat them,
4 even.

5 Q Anything else you recall he said?

6 A That the people you represent would hurt
7 people or harass them or lie to them or follow them or
8 discredit them or even do violence to them.

9 Q Anything else you recall he stated?

10 A That he felt that this needed, was not --
11 he didn't like it.

12 Q Do you recall what he when he stated
13 that?

14 A At various times since I met Joe he's
15 mentioned those two words.

16 Q You met him again at this weekend in
17 Hermosa Beach.

18 Was that when you first heard him mention
19 the words "fair game?"

20 A Yes.

21 Q After that meeting in Hermosa Beach have
22 you met Mr. Yanny subsequent to that?

23 A Oh, yes.

24 Q How often have you seen Mr. Yanny?

25 A I saw him on a subsequent trip to Los

1 Angeles in the fall. And again on my last trip here
2 for the attempt to depose me.

3 Q In the prior attempt to take your
4 deposition?

5 A That is correct.

6 Q When you come into town do you stay with
7 Mr. Yanny?

8 A No. I don't have an assumption that I
9 will stay with Mr. Yanny when I come into town, no.

10 Q The last two trips you came to town did
11 you stay with Mr. Yanny?

12 A I stayed in his home, yes.

13 Q Do you plan -- if you stay overnight are
14 you planning to stay overnight with Mr. Yanny tonight?

15 A No, I have no plans to do that.

16 THE REFEREE: Now we have been a half
17 hour since the last time we discussed progress in
18 scheduling.

19 I'm going to run out of steam at a given
20 time. If we're going to afford Mr. Berry any
21 examination of Mr. Greene, you should be summing up
22 pretty soon.

23 MR. STOLLER: I understand. I hopefully
24 will move very quickly through this.

25 THE REFEREE: Like about five more

1 minutes.

2 Q BY MR. STOLLER: You indicated that Mr.
3 Armstrong was working for Mr. Greene, but he was also
4 an artist and writer.

5 Do you know what writing he was working
6 on?

7 A Gerry hasn't done any writing since he
8 began his paralegal work for Ford. He hasn't had
9 time.

10 Q Prior to starting his paralegal work do
11 you know what kind of work he was working on as far as
12 literary work?

13 A He has done a number of, he has completed
14 a number of literary projects, one of them a book
15 about the IRS.

16 And another personal creative writing
17 project, not for publication.

18 He also is a philosopher.

19 And has done a good deal of writing about
20 the prevention of war, about picking up trash from the
21 streets. He began an organization called Runners
22 Against Trash or RAT. And he has written a good deal
23 about that as a plan for picking up all the trash from
24 our city streets and country roads.

25 MR. STOLLER: Let me just turn it over to

6 1 a couple areas.

2

3 (Pause in proceedings.)

4

5 Q BY MR. STOLLER: Going back to the book
6 on the IRS, do you know the content of the book by any
7 chance?

8 A It was his personal story of paying his
9 own taxes and his relationship to the IRS throughout.

10 Q Do you know if it has anything to do with
11 Scientology in it?

12 A I don't know.

13 Q While you were working in Mr. Greene's
14 office cleaning and cooking did you ever become aware
15 that the Aznarans wished to replace Mr. Greene?

16 MR. GREENE: Objection, that goes to
17 directly to work product privilege.

18 I assert the privilege and instruct the
19 witness not to answer.

20 MR. BERRY: It also assumes facts not in
21 evidence.

22 THE REFEREE: Sustained.

23 A (No response)

24 Q BY MR. STOLLER: Did you ever hear from
25 any source that the Aznarans didn't feel that Mr.

1 Greene could properly represent them in a lengthy
2 trial in L.A.?

3 MR. BERRY: It also assumes facts not in
4 evidence.

5 MR. STOLLER: I'm asking if she ever
6 heard.

7 THE REFEREE: Other than anything you
8 might have heard working there at the office?

9 MR. STOLLER: That is correct.

10 THE REFEREE: Outside of that?

11 A No, I never heard any negative feedback
12 about Ford from the Aznarans.

13 I never spoke to the Aznarans.

14 THE REFEREE: Did anybody ever quote the
15 Aznarans other than in the office?

16 THE WITNESS: No one quoted the Aznarans
17 as having any criticism of Ford whatsoever.

18 Q BY MR. STOLLER: Have you ever heard that
19 Mr. Greene had gone to a school or drug rehabilitation
20 center?

21 MR. BERRY: Objection. I would expect
22 that from Mr. Moxon, but not from this counsel.

23 THE REFEREE: You can answer that one if
24 you have any information.

25 A No, I have no information on that at all.

6 1 Q BY MR. STOLLER: Have you ever heard the
2 name of Barry Van Sickle?

3 A Yes, I've heard that name.

4 Q When was the first time you heard that
5 name?

6 A It was one of a number of names mentioned
7 in connection to Ford's work.

8 Again, I have no idea when of when I
9 first heard that name.

10 Q When was the last time you heard that
11 name mentioned to you?

12 A Just now.

13 Q Between the first time and just now do
14 you have a more recent recollection, like in the last
15 couple of months?

16 A It could have been probably six weeks
17 ago.

18 Q Do you recall who might have mentioned
19 Barry Van Sickle's name?

20 A It would have been Ford who would have
21 said it.

22 Q Have you ever heard the name of Marjorie
23 Wakefield?

24 A Maybe.

25 That name rings a bell, but I couldn't

1 tell you who she was or --

2 MR. STOLLER: I have no further
3 questions. Thank you.

4 MR. GREENE: Good.

5 THE REFEREE: Do you want to reach a
6 stipulation?

7 MR. GREENE: We didn't yesterday with
8 respect to Mr. Armstrong agree as we heretofore had
9 with respect to his review of the transcript.

10 I would like the same arrangement. What
11 we had previously done is that the court reporter will
12 send the original to my office, the witness will
13 review it and send it back to Bowles & Moxon.

14 I assume we're going to do that with Mr.
15 Armstrong yesterday, and I would like to do that with
16 Ms. Phippeny.

17 MR. STOLLER: How long of a turn around
18 time do you usually have for the witness to review the
19 transcript?

20 MR. GREENE: We have been trying to do it
21 as soon as possible. I think we have gotten it
22 reviewed and gotten it back within two weeks.

23 MR. STOLLER: Counsel have entered into a
24 stipulation that relieves the court reporter of her
25 statutory obligations.

1 That the original can be forwarded to the
2 requesting party's office to provide to the witness
3 for review.

4 That they will, the witness will have an
5 opportunity to review it and return it back within two
6 weeks, signed.

7 Any -- if she fails to return it within
8 the time frame, any copy can be used as if it was an
9 original.

10 MR. GREENE: That's fine.

11 And the same agreement will apply with
12 respect to the session of Mr. Armstrong, agreed?

13 MR. STOLLER: Yes.

14 MR. GREENE: Also with me today?

15 MR. STOLLER: Okay.

16 MR. GREENE: May I make a statement as a
17 matter of conscience for the record?

18 THE REFEREE: If you feel you should.

19 MR. STOLLER: I don't believe there is
20 any question pending.

21 MR. GREENE: Actually it's probably
22 better not to.

23 THE REPORTER: Do you want a copy?

24 MR. BERRY: Yes, when they get one.

25 THE WITNESS: Thank you.

6

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MR. GREENE: Thank you.

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(Ending time: 4:55 p.m.)

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1 STATE OF _____)
2 _____) ss.
3 COUNTY OF _____)
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6

7 I, the undersigned, declare under penalty
8 of perjury that I have read the foregoing
9 transcript, and I have made any corrections,
10 additions, or deletions that I was desirous of
11 making; that the foregoing is a true and correct
12 transcript of my testimony contained therein.

13 Executed this 17 day of May,
14 19 89², at Oakland, Calif..
15 (City) (State)

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25

Lorien Phippeny
LORIEN PHIPPENY

6 1 STATE OF CALIFORNIA)
2
3 COUNTY OF LOS ANGELES)
4

5 I, JAN W. SERRA, CSR No. 8207,
6 Certified Shorthand Reporter, certify:

7 That the foregoing proceedings were,
8 taken before me at the time and place therein set
9 forth, at which time the witness,

10 LORIEN PHIPPENY,

11 was put under oath by me;

12 That the testimony of the witness And
13 all objections made at the time of the examination
14 were recorded stenographically by me and were
15 thereafter transcribed;

16 That the foregoing is a true and correct
17 transcript of my shorthand notes so taken.

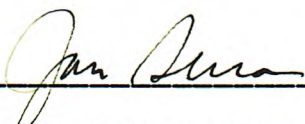
18 I further certify that I am not a
19 relative or employee of any attorney of any
20 of the parties, nor financially interested in
21 the action.

22 Dated this April 15, 1992.

23

24

25



Certified Shorthand Reporter